82D CONGRESS
2d Session

SENATE

REPORT
No. 1989

INVESTIGATION OF CRIME AND LAW ENFORCEMENT IN THE DISTRICT OF COLUMBIA

REPORT

OF THE

COMMITTEE ON THE DISTRICT OF COLUMBIA

PURSUANT TO

S. Res. 136

AS AMENDED BY

S. Res. 267

(82d Congress)

A RESOLUTION TO INVESTIGATE CRIME AND LAW ENFORCEMENT IN THE DISTRICT OF COLUMBIA

JUNE 30 (legislative day, JUNE 27), 1952.—Ordered to be printed

UNITED STATES
GOVERNMENT PRINTING OFFICE
94008 WASHINGTON : 1952

S. Repts., 82–2, vol. 4——44

COMMITTEE ON THE DISTRICT OF COLUMBIA

MATTHEW M. NEELY, West Virginia, *Chairman*

OLIN D. JOHNSTON, South Carolina	FRANCIS CASE, South Dakota
ESTES KEFAUVER, Tennessee	JOHN MARSHALL BUTLER, Maryland
LESTER C. HUNT, Wyoming	HERMAN WELKER, Idaho
JOHN O. PASTORE, Rhode Island	WALLACE F. BENNETT, Utah
EARLE C. CLEMENTS, Kentucky	JAMES H. DUFF, Pennsylvania
WILLIS SMITH, North Carolina	FRED A. SEATON, Nebraska

ROBERT H. MOLLOHAN, *Chief Clerk*

SUBCOMMITTEE OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA, INVESTIGATING CRIME AND LAW ENFORCEMENT

(Pursuant to S. Res. 136, as amended by S. Res. 267, 82d Cong.)

MATTHEW M. NEELY, West Virginia, *Chairman*

LESTER C. HUNT, Wyoming	HERMAN WELKER, Idaho
JOHN O. PASTORE, Rhode Island	JOHN MARSHALL BUTLER, Maryland

ARNOLD BAUMAN, *Chief Counsel*
HAROLD W. SOLOMON, *Associate Counsel*
CHESTER R. CAVALIERE, *Chief Accountant*

CONTENTS

82D CONGRESS } SENATE { REPORT
2d Session } { No. 1989

INVESTIGATION OF CRIME AND LAW ENFORCEMENT IN THE DISTRICT OF COLUMBIA

JUNE 30 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. NEELY, from the Committee on the District of Columbia, submitted the following

REPORT

[Pursuant to S. Res. 136, as amended by S. Res. 267, 82d Cong.]

I. GENERAL OBSERVATIONS

When this subcommittee undertook "to conduct a full and complete study and investigation with respect to crime and related problems, including law enforcement, in the District of Columbia" people were already aroused by revelations about organized crime on a national scale. Many States and cities have responded to the work of another Senate committee by initiating programs to study and improve the situation for themselves, with the result that problems of law enforcement are now receiving unprecedented attention in many quarters. Local governments are increasing the pressure on lawbreakers and unworthy officials; legislators are casting about for reforms which will consolidate the gains that have been made; and behind these efforts is the sustaining force of informed public opinion.

Yet in the city of Washington the situation remained notably unaffected. The District of Columbia has been a dead center through most of this storm. It did not figure in the lurid empires of Costello and Capone's heirs, or the other "syndicates," and it was not known to be tainted by corruption such as was generally believed to exist in many other large cities. The earlier Senate crime-investigating committee, in concluding its report on nationally organized crime, wisely urged Congress to investigate conditions in the District of Columbia.

The people of the District have, for more than 75 years, been denied the privilege of self-government. They have had neither voice nor vote in the selection of their local officials. As a result, their last recourse, in a case of this kind, is the Congress of the United

States. They are protected by much of the general Federal law, but they have no direct part in the enactment or administration of local measures affecting crime and law enforcement in the District.

The deplorable consequences of this unfortunate situation the subcommittee has made crystal clear to all concerned. Local malefactors have, without official interference or restraint, engaged in nearly every evil that has alarmed the Nation. Washington has long had a hard core of racketeers. It has had a handful of officials who have been disgracefully derelict in the discharge of their duty. And beyond these it has many officeholders who have been merely indifferent, impotent, or cynical from years of exposure to what they are now apparently willing to accept as an irremediable situation.

The Nation's Capital is now in the spotlight. If Congress enacts necessary model local laws and encourages their enforcement, it is safe to assume that its leadership will be widely recognized, with beneficial emulation by a majority of the important cities of the Nation.

II. Conclusions and Recommendations

The following is a summary of subcommittee's major findings:

1. The Metropolitan Police Department has been shockingly deficient in allowing certain vice activities lawlessly and viciously to flourish unchecked in the Capitol of the Nation. Many high-ranking officials have been indifferent to the point of dereliction. A few have been outright corrupt.

2. The situation is of long standing; investigations, public pressure, and reformatory proposals have never yet reached its roots. Until the instant investigation, the extent of demoralization and corruption in law enforcement in the District of Columbia was wholly unknown to the public at large.

3. Corrupt officials tend to develop internal loyalties and mutual dependencies which make their malfeasance difficult to expose. Such a situation developed during the incumbency of Robert J. Barrett as Major and Superintendent of Police.

4. Gamblers have been able to assert considerable and wholly improper influence within the Police Department. Police protection has made it possible for notorious gamblers to amass vast fortunes with complete immunity from prosecution under the gambling laws.

5. Major Barrett and a number of other high-ranking police officers are shown to have received large sums of money from sources which they cannot or will not disclose. The only logical conclusion is that graft has been finding its way to these men.

6. Gambling arrests dropped to astonishing minimums after Barrett assumed command of the force.

7. For five years the local narcotics traffic has been directly controlled by two police officers, Hialmar H. Carper, lieutenant in charge of the narcotics squad, and William Taylor, his subordinate. These men systematically exacted tribute from narcotics peddlers.

8. The police narcotics detail was for many years violating express statutory provisions governing the disposal of seized narcotics. An undetermined quantity of confiscated narcotics has been finding its way back into the illegal traffic from this source.

9. Police officials and, in one instance, the special assistant of a District Commissioner, John Russell Young, have admittedly accepted

improper gifts. Some police officers have participated in business "side lines," trading on the prestige of their offices, trafficking in liquor, and profiteering on gray-market transactions.

10. Staff investigation revealed that the control of alcoholic beverages has been deficient through inadequate supervision of licensees, ineffective utilization of the staff available to inspect licensed premises, and an improper division of responsibility between the Alcoholic Beverage Control Board and the Metropolitan Police Department.

The principal recommendations of the subcommittee are as follows:

1. The appropriate committees of both Houses of Congress should designate subcommittees at periodic intervals for the purpose of examining conditions affecting crime and law enforcement in the District of Columbia.

2. The work of citizens' groups and organizations in focusing constant attention on problems of law enforcement should be encouraged.

3. The United States attorney should be provided an investigative staff, of high quality, which would be independent of the Police Department.

4. Officers and employees of the District of Columbia should be effectively prohibited from accepting any valuable favor, gift, or gratuity offered to influence official action.

5. A law similar to that in force in New York and several other States should be enacted, providing that any person who has taken an oath of office in the District of Columbia shall, if he asserts the constitutional privilege against self-incrimination in any official proceeding, forfeit such office and all benefits therefrom, including pension rights.

6. Control over the possession of dangerous weapons should be extended, with an adequate registration system.

7. S. 2060, conferring on the Government the right of appeal from an order suppressing evidence in criminal cases, is approved and recommended.

8. The District of Columbia should be included in the uniform statutory provisions developed among the States to facilitate cooperation in extraditing fugitives.

9. The laws aimed at prohibition of gambling should be thoroughly overhauled along the lines proposed by the American Bar Association Commission on Organized Crime to eliminate cumbersome provisions and loopholes. The penalties for professional gambling offenses should be increased and made uniform.

10. The Federal Lottery Act should be enforced so as to provide the people of the District of Columbia the protection which is inherent in the act.

11. Local narcotics laws should be scrutinized. The subcommittee approves the amendments currently proposed by the office of the Corporation Counsel broadening the definition of narcotics, imposing controls on hypodermic devices, and improving control of prescriptions, and also suggests legislation for better control of the distribution of capsules in which narcotic drugs are usually dispensed.

12. The penalties for narcotics violations should differentiate between the addict and the seller, and a presumption of selling should attach to illegal possession of more than specified quantities of any narcotic substance.

13. The existing statutes governing the disposal of seized narcotics must be strictly observed by proper authorities.

14. Administrative changes should be made to improve the licensing and inspection procedures applicable to alcoholic beverages and premises where they are sold.

15. A complete survey of police administration in the District, to be conducted by the Institute of Public Administration or some similarly qualified professional organization, is recommended to determine the present efficiency of the Metropolitan Police Department and suggest methods of improvement.

16. In order to achieve greater efficiency, it is suggested that the programs for training new recruits and for advanced specialized training among members of the force be continuously emphasized and developed in the light of progressive training methods used by other police forces of the Nation.

17. Arrest and booking procedures should be revised to eliminate the phenomenon of station-house bail except in cases of minor infractions, such as traffic offenses where no serious crime is involved.

III. The Investigation

The subcommittee was created by Senate Resolution 136, Eighty-second Congress, which provided that the authority conferred thereby should expire January 30, 1952. By Senate Resolution 267, Eighty-second Congress, the subcommittee's authority was extended to June 30, 1952.

The subcommittee engaged as its chief counsel Arnold Bauman, of New York, and charged him with the major responsibility of organizing and directing the investigation. The subcommittee unanimously believes that a large measure of its success is due to the unsurpassable ability, industry, efficiency, and fidelity with which Mr. Bauman has discharged all the duties of his assignment. He has the subcommittee's unstinted gratitude and unlimited commendation.

Harold W. Solomon, also of New York, served from the outset as associate counsel. John Preston, of Washington, D. C., served briefly as assistant counsel. Rufus King, of Washington, D. C., was engaged in March to assist in the preparation of the report. A staff of accountants was organized under the direction of Samuel E. Rosenberg, of New York, consisting of Chester R. Cavaliere, Jerome J. Steiker, Giles E. Dawson, Francis Quinn, and James C. Smith. On February 1, 1952, Mr. Cavaliere succeeded Mr. Rosenberg as Chief Accountant. Investigators on the staff were Murray B. York, Frank O. Mosher, Mandeville C. Frost, Raymond A. Taggart, and Charles D. Barry. The subcommittee, with genuine pleasure, records Mr. Bauman's expression of sincere gratitude to all these staff members for their various contributions of valuable service.

It was early decided that because of limitations of time, it was necessary to concentrate on police performance because of its paramount importance to the enforcement of the law and the protection of the people. For this purpose a financial questionnaire was developed by the staff and was used successfully.

About three hundred such questionnaires were sent to police officers in key posts. At the end of the investigation the subcommittee decided to return most of these questionnaires to those who had executed them. This was done during the month of June.

After a preliminary analysis of the questionnaires the subcommittee's accounting staff devoted itself to full investigations of the

financial transactions of officers whose accounts and other activities singled them out as apparently worthy of further inquiry.

This financial probe was used in conjunction with a full-scale field investigation in which several hundred persons were interviewed, and reliable information was patiently developed.

The work of the subcommittee was aided by Executive Order 10304, by which the President granted access to information in the files of the Bureau of Internal Revenue, and by the cooperative manner in which the Bureau complied with this order. The cooperation has been reciprocal, and the ultimate recovery of tax revenues from cases developed by the subcommittee in the course of its work should materially reduce the net costs thereof. These costs were modest; of the $86,200 made available to the Subcommittee, approximately $20,000 remains unexpended and uncommitted.

IV. Crime and Law Enforcement in the District of Columbia

There is an unusually high rate of aggravated assaults, and an average number of other crimes of violence in the District of Columbia. These, however, probably reflect social conditions and do not arise from organized gang warfare. Washington lacks the industrial concentrations and commercial waterfront on which the rackets involving terrorism flourish. In handling crimes of violence the Metropolitan Police Department has an acceptable record.

But law enforcement is also exposed to an insidious challenge at the hands of criminals who are able to acquire illegal wealth and wrongfully use its power. This occurs particularly in gambling and narcotics operations. In these areas the subcommittee found the record of the Police Department shockingly deficient. It found the "privileged lawbreaker" firmly entrenched.

It must be borne in mind that what follows is only a sampling, illustrative of conditions in general and suggestive of the possibility of similar conditions in fields which were not probed. It is concluded that law enforcement in the District of Columbia for some time past has been dominated by the weak and the corrupt. The number of influential police officials who sank to the actual criminal offense of enriching themselves from bribes is doubtless very small. But the number of police and civil officials who must have been aware of the situation—and who left well enough alone—was surely larger than any specific disclosure in this inquiry indicates.

The subcommittee feels that the conditions it exposed, and the malfeasance of the head of the Police Department, could not have existed without dereliction in supervision on the part of the Commissioner charged with the administration of the Police Department, and a deep-seated public apathy toward this state of affairs in the municipal government.

A. The Numbers Racket: Roger Simkins and the Brass Rail

The most extensive and lucrative gambling activity in the District of Columbia is what is commonly known as numbers or policy. This is a racket which exploits the poorer elements of the community, creating fortunes for its promoters. The numbers play has run—estimating conservatively—somewhere around one hundred million dollars a year in metropolitan Washington.

The game is organized as follows: Bettors play on daily selections of any combination of three numbers and each day one combination wins, so the basic odds are 1,000 to 1. Bets are taken by storekeepers, elevator operators, bartenders, cab drivers, and others whose work brings them in contact with the public, and by "walking books," the individuals who make daily rounds to an established clientele or frequent certain streets, bars, etc. where they become known. These "writers" sometimes have organizations of subagents working for them. At the end of each day all slips and money are turned in to a "collector," through one or more "drops," and are thence relayed to a "banker," whose headquarters consists of a staff and a battery of adding machines. Sometimes the bets and money are brought in directly by "pick-up men" for the banker, and a large banker may run several headquarters simultaneously.

Bankers' headquarters have sometimes been maintained in nearby Maryland or Virginia. This involves complicated protection arrangements with additional enforcement agencies, but puts honest officials at a substantial disadvantage, particularly in making effective cases against the banker himself. The Federal conspiracy statute (18 U. S. C. 371) is available to the United States Attorney in this connection, *U. S.* v. *Cella* (37 App. D. C. 423, cert. den. 223 U. S. 728); but it is noteworthy that the Federal Lottery Act (18 U. S. C. 1301) formerly was not, *U. S.* v. *Whelpley* (125 F. 616 (D. C. Va.)) and has never been relied upon to deal with this situation.

A leading numbers banker whose career is worthy of detailed study is Roger Simkins. He is reputedly retired with a substantial fortune and no present criminal involvements except a citation for contempt based on his contumacy before the subcommittee.

About 1940 Simkins became a numbers banker, beginning with a small book and two employees. His front was a restaurant called the Owl Lunchroom. By 1945 he was a substantial figure in the racket, grossing up to $8,000 a day, with a score of people in his organization.

It became common knowledge that people who wrote numbers for Roger Simkins would not be molested by the police. He followed the customary practice of providing lawyers and bondsmen and paying the fines in case protection arrangements failed, and an employee was arrested. There is much evidence that his relations with the Metropolitan Police Force were extensive and intimate. Uniformed officers regularly visited the numbers headquarters he was using. Simkins bragged of his immunity and complained of the amount which he had to pay for protection.

On July 1, 1947, Robert J. Barrett, who had long acquaintanceships among the big numbers operators, took office as Major and Superintendent of Police. From that date on, Simkins' size and power as a racketeer increased with even greater rapidity. He was able, on occasion, to use the members of the police force to harass and punish employees and competitors who incurred his displeasure. Simkins expanded to a succession of larger headquarters, none of which was ever molested by the police, and he began to crowd other bankers out of the field.

In 1948, when a corporal, a sergeant, and a lieutenant, all of the fourteenth precinct, arrested some of Simkins' men in the act of

transporting numbers slips, the officers were severely reprimanded by Capt. William T. Murphy, commander of the precinct, who accused the lieutenant of using "poor judgment," and the corporal and sergeant were given the unusual assignment of handling traffic at suburban school crossings, with a sharp injunction "to get the children across the street, not to be out there harassing those other people."

Roger Simkins' sinister influence appeared most clearly in connection with a shooting which occurred January 8, 1948, in Simkins' restaurant (nominally owned by his wife, Yvonne Simkins), the Brass Rail. The victim was Charles H. Nelson, night manager of the Brass Rail. Another well known numbers operator, Henry "Piggy" Leake, came to the restaurant shortly after closing time while Nelson was counting the day's receipts. Leake was one of the operators being squeezed out of business by Simkins. When Leake insisted on being admitted, Nelson, who did not know Leake, took a gun which was kept on the premises and went to the door. Leake asked for Simkins; Nelson protested truthfully that Simkins was not there, whereupon Leake, without provocation, drew a gun and fired point-blank at Nelson, wounding him in the chest. Nelson returned the fire and wounded Leake.

Later that morning, Nelson found himself in the same hospital ward with his assailant. Two detectives interviewed him, explaining, "the reason you got shot was Simkins had Leake's place knocked off or raided." Leake had been arrested at once, and was under guard, charged with felonious assault. Next day (January 9) the then acting head of the homicide squad came to the hospital and interviewed both Nelson and Leake. Immediately thereafter, demonstrating full knowledge of the underlying situation, this officer sought out and interviewed Roger Simkins.

Shortly after that, while Nelson and Leake were both still in the ward, Roger Simkins came to see Nelson. He assured Nelson that he would take care of him and would see that Leake was prosecuted. Thereafter Simkins paid Nelson's hospital bills, gave him small amounts of cash, and repeated the promise that, as for Leake, he was "going to burn him up." Simkins also promised to give Nelson three or four thousand dollars and to provide an attorney. But Simkins' real interest soon became apparent. Although the threat of pending prosecution effectively silenced Leake, Simkins was most anxious that Charles Nelson not testify at all before a grand jury. Simkins made it clear that he wanted the assault complaint against Leake dropped if Nelson were compensated.

The plan went awry, however, since Nelson refused to trust Simkins and demanded his money before withdrawing as a witness against Leake. He discharged the lawyer provided by Simkins and engaged another. He also began to intimate that he was going to tell the whole truth about Simkins' relations with the police department if Simkins did not pay up.

At this point Detective Sergeant Reuben Nichols, apparently friendly with Nelson, and who knew of Simkins' promise to take care of Nelson, was summoned by the latter, who told him, "These cops on my case have twisted this thing all around and have tried to make me the goat in this suit * * *. Since they are trying to drown me, I am going to drown them all with me * * *. I have been paying off a whole lot of the so-and-so's."

When Nichols relayed the substance of the conversation to some of his superiors, additional police officials quickly became involved.

Nichols went first to Capt. Clyde N. Strange, one of the officers named by Nelson. Strange says he reported the matter at once to Major Barrett. Meanwhile, Nichols conveyed the same information to Lt. Daniel D. Pittman, another officer named by Nelson.

The following evening Nichols received a telephone call from Simkins urging a meeting between them at once. Nichols proposed his office at police headquarters. Simkins specified: "Any place but there." It was agreed that Nichols would come to Simkins' home later the same evening. Nichols testified that Simkins demanded that he tell him what Nelson had revealed. When Nichols refused to talk about police affairs, Simkins threatened him, saying that he would call up Major Barrett and have Nichols in Major Barrett's office at 9:15 the next morning.

This angered Nichols. He telephoned Lieutenant Pittman, who was on duty at the thirteenth precinct headquarters and demanded that Simkins and Pittman meet when Pittman came off duty, to thrash the thing out. Nichols met Pittman and the two waited together in the street for nearly an hour. Simkins finally drove by in his car, but when he saw Pittman and Nichols he drove rapidly away.

The following morning at 9:15, as predicted by Simkins, Nichols was summoned to the office of Major Barrett. There Barrett accused Nichols of helping Nelson oppose Simkins, ending with a threat to send him to the grand jury and to the penitentiary and offering him 15 minutes to resign from the force. Nichols relates that he threatened to engage counsel and defend himself fully. He was never subjected to any further disciplinary action. After this interview Lieutenant (now Major) Robert V. Murray and Captain Strange were dispatched to see Nelson.

As to the visit from Strange and Murray, at his apartment on a Sunday morning, Nelson recalled only a discussion about Nichols. Lieutenant Murray himself elaborated, by pointing out the extraordinary fact that Captain Strange—one of the accused officers "going to investigate himself"—was personally ordered by Barrett to the interview. It is clear from the record that Nelson at that time knew a great deal about protection paid to the police and Alcoholic Beverage Control inspectors.

This crisis for the police department occurred early in March 1948. Simultaneously an even more extraordinary development was taking shape in the United States attorney's office. Although the shooting had occurred on January 8 and the assailant was identified and arrested on the same day, the matter was withheld from the grand jury for more than 3 months. Then on March 6, before any testimony had been given, Charles Nelson was arrested on the same charges which had been placed against Leake. The cases were presented before the same grand jury and the assailant and his victim were both indicted on April 19. By this device Nelson was silenced behind legal privileges of a defendant so that he could not be compelled to give evidence. Nelson, who had no criminal record, thus suddenly found himself facing a felony charge. Until then he had been free

to talk if he chose. Now he was discredited and put in fear of a long prison sentence; all the rights ordinarily vested in the public, through its courts and grand juries, to compel the disclosure of facts, were summarily destroyed. Nelson also had to be paid, as a double precaution to insure his silence, and the record shows that he was paid by Simkins and, just prior to the trial, by Leake.

The matter ended in another deviation from all recognized principles of forceful prosecution and law enforcement, a consolidated trial combining the prosecutions against Nelson and Leake in one case. This consolidation was effected on motion of the Government. The case came to trial in September; of course, neither defendant took the stand; the evidence was meager and confused; and the trial court had no alternative but to dismiss without submission to the jury. Leake was exonerated on exactly the same basis as the man whom he had shot down.

B. OTHER GAMBLERS: EMMITT WARRING ET AL.

Roger Simkins was by no means the only operator, and probably not the largest, who has flourished unmolested in the numbers racket in Washington. Public officials readily identified half a score of racket figures who are widely reputed to have made their fortunes in this activity. The captain in charge of the second precinct—situs of the Brass Rail—stated succinctly of numbers writers in his jurisdiction, "plenty of them there," and ingenuously referred to the numbers war which resulted in the Brass Rail shooting as "dissatisfaction."

Emmitt Warring has been a notorious gambling promoter for two decades. Since 1939, when he was convicted of tampering with a jury, no prosecutions have been instituted against him. He was allegedly close to Major Barrett and other police officers. His power as a protector among the numbers writers was a matter of common knowledge.

Warring's book is supposed to have run as high as $20,000 a day. He apparently had enough control over the police department not only to protect members of his own organization but also to bring about police interference, on occasion, in order to impose his wrath on competitors and subordinates who incurred his displeasure.

Emmitt Warring was called before the subcommittee but made a wholly unsatisfactory appearance. He refused to testify about his fabulous cash transactions or his extensive properties, which are matters of common knowledge and public record. He also refused to disclose any information about his relationships with police officials. A citation for contempt, based upon this testimony, has been referred to the United States attorney for prosecution.

Another operator who had very considerable influence with the police department was Isador "Shep" Shapiro, who died in 1948 after a career in numbers almost as lengthy as Warring's. He operated intermittently, with a book which ranged from $1,000 to $3,500 per day when he was in business. From 1943 to 1945 Shapiro ran a restaurant, and apparently succeeded in making it a loafing place for police officers. For these years the restaurant was equipped with a short-wave radio receiving police calls, so that

members of the force could pass their time fraternizing with this unsavory character instead of performing their duties elsewhere in the city. It was well known among numbers writers that Shapiro's men would not be bothered by the police; he also made the usual arrangements for providing lawyers, bondsmen, and money to pay fines if any of his employees were arrested in spite of the protection arrangement.

Orian Whiting, a numbers banker, rose to power during the regime of Major Barrett. He began his operation in 1946 on a very small scale, maintaining his headquarters at the home of a lady friend, with one employee. By 1948 he had seven or eight employees and a daily play of $2,500. At the end of 1951 he took over most of Simkins' business and his play ran as high as $24,000 a day. Simkins' wife herself served in his headquarters briefly to assure "customers" about the change. This racketeering success could hardly have been achieved without direct graft payments to members of the police department.

Another gambler, Alfred T. Jones (with a numbers book of $1,200 to $1,500 a day), was stated to have taken part in a celebration of the appointment of Major Barrett. There he bragged widely "my man's in office now and I will be straight, O. K." Barrett testified of Jones, "Well, he is known as a gambler back as far as '35, small gambler, not anywheres compared with the people that you have talked about, but I would like to say—and I would like to go on record, and it's a record in the court—that he was one of the most helpful persons that's ever been to the police department."

Some of the numbers operators, notably Simkins and Whiting, also took horse race bets. Abe Plisco, an associate of Emmitt Warring, has been active in both numbers and bookmaking operations for many years. He, too, was a thoroughly uncooperative witness, and a citation for contempt of Congress has been recommended by the subcommittee.

A police official, who is now executive officer of the force, testified that Plisco, although they had never met, came to his home and gave him substantial Christmas presents both years that he served as captain commanding the first precinct in which Plisco was operating.

The subcommittee has evidence of additional instances of favoritism, friendships, and social relations between members of the police force and prominent gamblers. These connections were apparently so widespread that they prevented effective enforcement of the gambling laws of the District of Columbia. The arrest records of precincts in which gambling flourished, of Barrett's own headquarters vice squad, and of men whom Barrett transferred to important districts and promoted, provide irrefutable evidence of the degeneration of police action against numbers and bookmaking operations. The gambling arrest records of Major Barrett's administration clearly illustrate the absence of effort he inspired.

Major Barrett attempted at one point in his testimony to justify this deplorable situation on the ground that gamblers are useful to the police as informants in detecting other kinds of offenses. This is the phenomenon of the "privileged lawbreaker," a phenomenon which the subcommittee strongly disapproves. It is a compromise

with impartial enforcement of the laws which cannot be justified; it undermines morale in the police force and induces contempt for the law; it is a poor excuse indeed for the disgraceful conditions which the subcommittee found.

C. THE BOOKMAKERS' WIRE SERVICE: MURRAY OLF

In the middle thirties, Plisco, Sam Beard, and several other local gamblers dominated organized bookmaking in the District of Columbia. In 1936, Leonard J. Matusky was sent in by the Annenberg interests to consolidate the situation for the national syndicate which later emerged as Continental Press, Inc. Police assistance in this enterprise was apparently enlisted since the Annenberg organization, Teleflash Loud Speaker Corp., was not bothered while Plisco and his local contemporaries were subject to repeated raids. The situation attracted so much public attention that the United States attorney's office was induced to seek conspiracy indictments against Matusky, Plisco, Beard, and others, which resulted in a number of convictions. Since that time there have been no direct wire service outlets in the District of Columbia, reputedly as a result of a direct agreement with District police officials. Bookmaking activity channels through Baltimore and centers in nearby Maryland, long known as Sam Beard's territory.

The representative of Continental Press in Washington and key figure in local bookmaking activities, is Murray Olf. Olf, Matusky, and Thomas F. Kelly (manager of Continental, and operating head of the entire national bookmakers' wire network) testified before the subcommittee in executive session. Matusky revealed that Olf had taken over most of Beard's wire-service customers in Hyattsville after the fall of 1948, and was carried on the payroll of World Wide News and Music Service, a disguised subsidiary of Continental. Matusky unfolded a complicated story of stock transfers, mergers, and shifting fronts to conceal the interests of Continental at the time of the investigations by the McFarland and Kefauver committees.

He recounted that on one occasion in 1950 he accompanied Kelly to Washington when the latter said he had $30,000 in currency on his person, and that Kelly complained of the fact that payments of the nature he was making could not be safely handled by check. Kelly also told Matusky that he thought it would be possible to defeat the Federal legislation aimed at the wire services but that it would cost a lot of money. Later he stated that this project was costing an additional $45,000.

Both Olf and Kelly relied heavily on their constitutional privilege against self-incrimination. For some years Olf has maintained himself at fine hotels and apartment houses, frequently entertaining persons who might be helpful with respect to Federal legislation. He declined to explain how he could afford this activity, with no apparent income except his salary from World Wide.

In spite of the absence of direct wire service to the District of Columbia, it is a matter of common knowledge that bookmaking has been extensively conducted in the District. Part of the deficiency in race-wire service information was offset by extraordinary coverage of up-to-the-minute racing information on several local radio stations.

D. NARCOTICS PEDDLERS: LIEUTENANT CARPER AND SERGEANT TAYLOR

The subcommittee's study of the narcotics traffic in the District of Columbia brought to light a shocking example of the protected lawbreaker. Gamblers were allowed to buy immunity, but narcotics peddlers—engaging in the most vicious criminal activity known to modern society—were working in active partnership with police officers.

The police department "estimates" that there are approximately 470 known users of heroin and cocaine in the District of Columbia (a figure which the subcommittee views with skepticism). For reasons which subsequently became obvious. the head of the narcotics squad could identify all the principal distributors and describe the traffic with great accuracy.

Hialmar Hastings Carper, 28 years on the Metropolitan Police force, was appointed lieutenant and placed in command of the narcotics squad in September 1947 by Major Barrett. From that date until his suspension as a result of the subcommittee's hearings, all narcotics cases and arrests involving narcotics in the District of Columbia had to be channeled through him. His record is, in the opinion of the subcommittee, one of the most flagrant instances of corruption that has ever been exposed to public scrutiny.

The man who first brought the story to light was James M. Roberts, alias Jim Yellow, who is now serving a 5 to 15-year sentence for selling narcotics. Though long involved in the traffic, Roberts is not himself addicted to drugs. Roberts, a native of Washington, was paroled from a Federal penitentiary on an earlier narcotics conviction, on October 4, 1947.

Within a few days after his release, he was approached by a narcotics addict and peddler named John Frye. Frye told him that a "green light" could be arranged in the traffic, and that the peddlers were doing business directly with the head of the narcotics squad of the Metropolitan Police Department, identifying Lieutenant Carper by name. Roberts was incredulous. A few days later Frye approached him again, and this time one Bob Williams, a notorious narcotics seller, joined them, apparently by prearrangement. Williams confirmed the fact that narcotics could be sold with immunity, by arrangement with the police, and urged Roberts to attend a meeting at which the peddlers were going to divide territories, arrange prices, etc.

Roberts still demurred. The following week end Frye came to his house, telephoned Lieutenant Carper from there, and put Roberts on the line. Carper personally arranged a meeting with Roberts.

While this meeting with Lieutenant Carper was impending, Roberts "inquired around and found out that things could be O. K." He also got a small shipment of heroin from his source in New York and gave or sold part of it to one "Bull" Leach. Carper kept the appointment at Roberts' apartment. In the interview which followed, Carper stated that he was in complete charge of the narcotics situation and that he could "use" Roberts. When Roberts was undecided, Carper resorted to the threat that he. Roberts, could be "framed" and sent back to prison anyway. and further revealed that the narcotics squad had full knowledge of Roberts' transaction with "Bull" Leach For this Roberts had to pay Carper a $280 bribe. Carper then instructed

him to get a shipment of narcotics from New York and to telephone him when it arrived.

Roberts brought 224 ounces of heroin and cocaine from New York on November 17, 1947, called Carper, and the latter came again to his apartment the following day. When Roberts brought out the shipment, packed in a suit box, he was still dubious of Carper and still feared that he would be placed under arrest. Lieutenant Carper, however, was "tickled to death," according to Roberts.

The protection payment was fixed at $500 per month. Carper returned to pick up the first installment that same evening. Soon thereafter James Roberts became a major distributor of narcotics, handling as much as $60,000 worth of cut heroin, pure heroin, and cocaine per month, and making regular payments on the first of each month to Lieutenant Carper. After a few months the monthly payment was increased from $500 to $1,000. Sometimes Roberts would fold the money into a newspaper and drop in on the floor of Carper's police car when the latter drove up to a prearranged meeting place. At other times payments were delivered to Carper at his country club. On some occasions the money was handled through Carper's subordinate, Detective Sgt. William L. Taylor.

Roberts received more than immunity. He was warned when informers were active, and sometimes was given descriptions or photographs of undercover men to protect himself and his people from the danger of making sales to them. When peddlers who worked for him were arrested, he could usually arrange for their release and also for the return of the narcotics which had been taken from them by the police. Carper used the threat of arrest and prosecution to force peddlers to buy their "goods" from Roberts. And on one occasion in the summer of 1948, when the conspirators feared that their New York source was under surveillance, Lieutenant Carper himself went to the National Airport in Virginia, received and paid for a $9,500 shipment of narcotics, and brought it to Roberts' apartment. For each of these "favors" Roberts was obliged to make additional payments.

This conspiracy was of such long standing that it is inconceivable to the subcommittee that other members of the police force could have remained in ignorance of it.

Roberts also acted as a go-between for Lieutenant Carper and other narcotics sellers who were under his protection. On one occasion he was instructed to collect $250 from a peddler named Leonard Dixon and give it to Carper by dropping it into Carper's car at a prearranged rendezvous on a crowded street. Dixon, who wanted to make sure that the money was actually going to Carper, followed Roberts and was observed by Carper. This angered Carper, who told Roberts that he could not accept any more money from Dixon. This incident was similarly described by Dixon in his testimony before the subcommittee.

In September 1949 Roberts learned that there was a large cache of pure cocaine in the possession of one Jesse Jeffers at the Dunbar Hotel. He attempted to bribe the house detective of the hotel, Jack Scott, to admit him to Jeffers' room to seize this cache. Scott put Roberts off, telling him to return at an appointed hour—4 o'clock—later in the day, and then called both Carper and the Federal Bureau of Narcotics. A trap was laid, and Carper joined Scott and a Federal agent to wait for Roberts' return. Roberts testified that at about

3 o'clock he received a warning telephone call from Carper who told him that Scott had informed against him. Roberts remained at home.

Roberts' last payment to Carper was made on October 1, 1949. A few days later Carper called him and said that "somebody has gotten a buy on you," warned that a Federal raid was impending, and suggested that Roberts leave town for a year. Roberts departed briefly, but decided to come back, disgruntled because Carper had failed to give the protection for which he had paid. Carper told him the matter was out of his hands and that he could do nothing more.

Soon afterwards, when the Federal Narcotics Bureau located Roberts and organized a raid, Carper warned him in advance. Roberts sat across the street from his apartment and watched the agents and police conduct their search. A week later Roberts decided against living as a fugitive and surrendered voluntarily to the Federal Bureau of Narcotics.

The testimony of James Roberts was supported by official records and by the testimony of Lieutenant Carper, Jack Scott, Detective Sgt. Lloyd Furr, and Leonard Dixon. It was corroborated in detail by his former wife, Evalina Robertson Roberts, now serving a prison sentence for the possession of marijuana. She was living with him from the time he first met with Carper until his arrest, recalled the visits from Carper which Roberts described, and testified to frequent telephone conversations with both Carper and Taylor when they called her in efforts to reach Roberts. She arranged meetings for the bribe payments and handled Roberts' money, recalling distinctly that she gave him "Carper's money" on the first of each month.

The subcommittee and its staff concur in the opinion that there is not the slightest possibility that the interwoven testimony of James and Evalina Roberts could have been fabricated.

In June 1950 while Roberts was free on bond, he called Carper and told the latter that he needed money to pay his lawyer. A meeting was arranged, and Carper gave him $500 in cash. A few weeks later Carper gave him another hundred dollars.

When Roberts went to jail in the fall of 1949, his business was largely taken over by Randolph "Catfish" Turner. Another peddler, Daniel S. Cole, testified that his group, distributing for Emmanuel Broussard, operated in 1950 and 1951, also by direct arrangement with Lieutenant Carper. And various other sellers seem to have been carrying on, unmolested by the police, during the same period.

In March 1951 Federal agents organized a mass raid which brought in many of the peddlers. Immediately thereafter, when some were freed and some were out on bond with indictments pending against them, Lieutenant Carper sought out one of Turner's men, Herbert W. "Bucklejaws" Johnson, and ordered him to have Turner come to Johnson's apartment for a meeting with Carper the following night. Johnson arranged this meeting and learned afterwards from Turner that Carper had talked about protection, fixing a price of $300 per month and demanding that peddlers in Turner's group furnish a list of their names and places of business so that Carper could look out for them.

A meeting was held a few days later at Turner's house, attended by Johnson, Leon James, Eddie Atkins, Leonard Dixon, and Turner. With some reluctance, the group agreed to submit the list to Carper,

and they agreed that the protection payments would be made on the basis of $60 each from Johnson, James (who employed Dixon), and Atkins, and $120 from Turner. The bribe money was payable on the first of each month.

This agreement continued from the spring of 1951 until the mass raids in November of that year. Payments were made to Carper at Johnson's apartment on two occasions, and once in his presence, by Turner. Once during the summer Carper came personally to warn Johnson that the premises he was using for the sale of narcotics had been the subject of a complaint and that it was unsafe for Johnson to continue operating there. Johnson's friend, Nellie Leach, also testified as to the pay-off arrangement and recalled seeing Johnson give Turner the agreed $60 on a number of occasions. Dixon also stated that he had seen Carper visit Turner's home on two occasions during this period.

Toward the end of the summer of 1951, Carper left Washington on his vacation and warned Turner and his group to suspend operations. Turner complied. Carper also warned the group that new undercover men, operating from the Bureau office in Baltimore, were in town, and that plans were being laid for a mass raid, scheduled for November. Despite his warning, when the raid took place most of the peddlers in this group were arrested.

Many of the witnesses who unfolded these two episodes centering around Roberts and the Turner group were first heard by the subcommittee in executive session in March 1952 in order to minimize the possibility of collusion among them as to their testimony. The nature of their disclosures was kept secret until the public hearing in March. As a result, when Carper appeared before the subcommittee on March 17, he claimed that the sharp decline in narcotics arrests from 1947 to 1949 (the Roberts era) was due to his own efficiency.

At the end of the examination about his personal finances and periodic cash deposits, Carper pleaded illness and loss of memory, and begged for a continuance to make a "personal investigation of the details about which I was questioned." Although he promised to return, and made repeated public statements that he was going to clear himself, he never faced the subcommittee again. Both Carper and Taylor have subsequently been indicted for conspiring to violate the narcotics laws, and for accepting bribes.

Other facts about his conduct in office also came to light. In the spring of 1951 Carper sent an emissary to see Daniel Cole, an addict and peddler who was then in prison, to see if Cole would act as an informer. Cole agreed and was released shortly thereafter. He soon became known as an informer, and had difficulty buying enough drugs to satisfy his addiction. In the summer of 1951, Detective Sergeant Taylor actually sold narcotics to this addict for his own use. Cole paid Taylor with money advanced to him from police funds which were supposed to be used for purchases by undercover men.

The District of Columbia Code, section 33–417, establishes a rigid procedure for the forfeiture of narcotic drugs. Such disposal must be by court order, with a sworn report as to the place and manner of destruction required to be submitted by the destroying officer in each case to the court and to the United States Commissioner of Narcotics. Lieutenant Carper testified that he was unaware of this law. He claimed that during the entire 12 years he had been on the squad, he had disposed of seized narcotics by flushing them down the drain. No

records of the alleged destruction, or the amount of narcotics involved, have ever been kept.

The interrogation of Carper about his financial affairs was wholly unsatisfactory. He claimed he had no canceled checks; that he made a practice of destroying them after they were returned from the bank. Bank records showed that he made regular, periodic deposits in cash over and above his pay checks, ranging from $100 to $500 at monthly intervals. Carper first sought to explain these deposits on the basis that he had borrowed the money from banks. When asked to name the lenders and confronted with records which established that he had sought no loans which correspond with these deposits, and no loans whatsoever during the year 1949, he parried, "I do not recall them at all * * * I do not recall it, no, sir * * * I have no idea where it came from, sir."

Roberts estimated that he paid Carper $18,000 to $20,000 per year under their arrangement. Broussard is reputed to have paid $200 per month and probably paid much more since his sales ran up to $5,000 per week at times. The Turner group paid at least $300 per month. From the evidence before it, the subcommittee feels that most, if not all, the major narcotics sellers in the District of Columbia who operated during Lieutenant Carper's regime were compelled to make substantial payments to him.

E. THE TOP COMMAND: MAJOR ROBERT J. BARRETT

When the subcommittee undertook its investigation, Barrett was still in office as Major and Superintendent of the Metropolitan Police Department. He organized and led the resistance against the subcommittee's questionnaire, and when he lost this fight, he suddenly announced that he was ill. The Board of Police Surgeons recommended his retirement. On November 30, 1951, Barrett was honorably retired from the force—on a tax-free pension of over $5,500 per year.

It was pointed out to Barrett that gambling arrests in the Thirteenth precinct, which embraces a hotbed of numbers activity, dropped (under the captaincy of his appointee, Capt. Albert I. Bullock), from 130 felonies and 162 misdemeanors in 1946–47 to 32 felonies and 30 misdemeanors in 1948–49. Bullock was replaced by Capt. Robert Chenault in 1949–51, and the record fell to an unbelievable low of 2 felony and 17 misdemeanor gambling arrests for the entire 2-year period. Barrett's explanation was: "My best answer to that is that things didn't exist that existed before." Similarly astonishing records were made with respect to gambling arrests by other Barrett selections: Capt. Anthony Richitt in the Third precinct; Capt. Beverly C. Beach in the Seventh; Captain Strange in the Second and Twelfth; and Captain Murphy in the Fourteenth and Ninth precincts. For months at a time Barrett's own headquarters vice squad made no gambling arrests whatever, and maintained a shockingly low level of activity in this respect throughout his administration.

The task of verifying information submitted in Barrett's financial questionnaire was difficult for the subcommittee's staff because his personal affairs had been very largely conducted on a cash basis, without records or receipts. There was abundant evidence that he

lived in affluence during the years that he was running the police force. He owned a succession of new cars. He joined two yacht clubs and owned a series of expensive boats. He bought and remodeled a summer residence, for which he paid cash. When his daughter was married, he gave her an elaborate wedding at a cost of around $5,000—another cash transaction. He traveled extensively about the country. In addition to maintaining his town house and the summer cottage, he bought a farm for $28,000.

Typical of Barrett's evasive answers before the subcommittee were the following relating to the repair of his summer cottage, the records of which were destroyed on his insistence:

The CHAIRMAN. * * * Did you have the checks destroyed?
Mr. BARRETT. They wasn't checks, Mr. Senator.
The CHAIRMAN. I mean the bills. Did you have them destroyed?
Mr. BARRETT. They were destroyed in my fireplace.
The CHAIRMAN. Will you please repeat that?
Mr. BARRETT. They were destroyed in my fireplace.
The CHAIRMAN. Did you have them destroyed?
Mr. BARRETT. Mr. Mayo destroyed them.
The CHAIRMAN. Were they destroyed at your request or upon your order?
Mr. BARRETT. They were destroyed after an argument.
The CHAIRMAN. I say, Were they destroyed upon your request or by your order, Major. Answer that "Yes" or "No," won't you?
Mr. BARRETT. I will say "Yes."
Mr. BAUMAN. Why couldn't you have said that long ago?
Mr. BARRETT. I wanted to make an explanation.

In spite of his penchant for cash transactions, Barrett's bank account showed substantial cash deposits for which he offered no satisfactory explanation.

Barrett was the first witness at the January hearings of the subcommittee. At the close of his examination, it was made clear that he should remain available. Nevertheless he ignored the subcommittee's invitations to return voluntarily, and when efforts were made to recall him, in May, he was not to be found. His attorney, Charles E. Ford, appeared before the subcommittee on May 28, claiming that Barrett was no longer under subpena, and that he was unable to give any information as to Barrett's whereabouts.

In Ford's presence, the subcommittee then heard the testimony of a staff accountant, Jerome J. Steiker, as to the results of a full investigation of Barrett's finances which had been completed in the interim. Steiker testified to Barrett's known receipts and disbursements item by item. His total expenditures in excess of funds available, conservatively reconstructed, were: In 1949, $5,130.93; in 1950, $8,204.52; and in the first 9 months of 1951, $4,060.47. The over-all total for the 33-month period analyzed was $17,400.92.

Barrett returned to Washington on June 2, 1952, and was forthwith subpenaed. In the interrogation which followed, on June 10, Barrett invoked the privilege against self-incrimination. Barrett sought this refuge—worse than unworthy for one who had held a high office of public trust—when the first question probing into his financial transactions was asked. He and Ford made it perfectly clear that all attempts to throw light in this area would be frustrated.

Senator WELKER. Do I understand you, Mr. Witness and counsel, that as of this time you will under your objection heretofore made, refuse to answer any

questions with respect to your finances, bank account, your income, or anything bearing upon your finances, your income, or otherwise?

Mr. FORD. Yes, sir; that is correct.

Mr. BARRETT. Yes, sir.

Senator WELKER. And any questions we might propound to you at this time or in the future will be refused by you upon those grounds?

Mr. BARRETT. That is correct.

Feeling that the record of such defiance would speak for itself, the subcommittee abandoned any further examination.

The record also shows that Barrett ran the police force ruthlessly, as a private army to serve his friends and harass his enemies. Early in his regime he expanded his authority over the civil-service ratings of officers, and preempted full authority over the transfer of personnel by inducing a change in the established procedure for submitting proposed assignments to the Board of Commissioners for confirmation. It is noteworthy that Barrett has consistently defended the officers he sponsored in top posts—Carper, Beach, Bullock, Murphy, and Wolf.

F. UNEXPLAINED AFFLUENCE: INSPECTORS BULLOCK AND BEACH

Inspector Albert I. Bullock focused suspicion on himself at the outset by leaving the subcommittee's questionnaire lying unclaimed in his mail box for a period of over 3 weeks and by his long delay in returning the completed questionnaire.

Bullock has served as an officer in the Metropolitan Police Department for 31 years, working his way up through the ranks. He became a captain in 1942 and is alleged to have been transferred from an active precinct, No. 11, to a quiet one, No. 8, in 1947 by Major Barrett's predecessor, Harvey Callahan, for his "unsavory connections" in the former precinct. On the very day that Barrett took command of the force, July 1, 1947, Bullock was transferred from exile in No. 8 to the command of No. 13, which is one of the most active gambling areas in the city. The investigation revealed that from 1946 on, Inspector Bullock, with no legitimate source of income except his police pay, regularly came into possession of cash—hundreds of dollars per month. Often he did not trouble to deposit his semimonthly salary checks for prolonged periods.

For 3 years prior to his marriage to the present Mrs. Bullock, on August 6, 1949, he enlisted her assistance in depositing cash in various bank accounts maintained at various times in her name. Mrs. Bullock was called to testify about this period, prior to the date of her marriage. She revealed very little to the subcommittee, taking refuge in the privilege against self-incrimination.

From March 1946 to August 1948, excluding pay checks and all other sources which could be accounted for, Mrs. Bullock put into these three accounts a total of $9,915 in cash. Her cash deposits ranged from $200 to $1,400 per month. In early 1948, Mrs. Bullock signed a contract to buy a $16,000 house, which called for a down payment of $500 and cash-on-settlement of $5,480. She paid both of these sums by check, and in both cases Bullock supplied the money against which she drew. She refused to answer any questions relating to this transaction, but Inspector Bullock acknowledged it and identified some of the funds that he turned over to her for this purpose.

Mrs. Bullock, an unsatisfactory witness throughout, clearly knew about her husband's affluence in the period before their marriage. Her attitude is well illustrated in the following colloquy, relating to one of her unexplained deposits:

Mr. BAUMAN. Coming back to this deposit of $1,400 in cash, did you receive that $1,400 on or about June 4, 1946, from Inspector Albert I. Bullock, then Captain?

Mrs. BULLOCK. I decline to answer that.

Senator PASTORE. Have you any recollection whatsoever where you might have gotten the $1,400 that you deposited?

Mrs. BULLOCK. No, sir.

Senator PASTORE. Were you engaged in any enterprise at that time that would give you that revenue?

Mrs. BULLOCK. Only my being in the Air Force.

Senator PASTORE. Was that——

Mrs. BULLOCK. Only my Federal income.

Senator PASTORE. But that was paid to you, not in cash but in checks?

Mrs. BULLOCK. That is right.

Senator PASTORE. By the Treasury Department?

Mrs. BULLOCK. That is correct.

Senator PASTORE. Did anyone leave you that money as an inheritance or anything of that kind?

Mrs. BULLOCK. No, sir.

Senator PASTORE. Was not $1,400 in your life at that time a considerable amount of money?

Mrs. BULLOCK. I decline to answer that question.

Senator PASTORE. The $1,400, you would have quite a recollection about that now, would you not, as to the source from which it came?

Mrs. BULLOCK. I decline to answer that question.

When Inspector Bullock took the stand, he suffered "lapses of memory" which he himself finally characterized as "ridiculous." In his questionnaire he falsified the information submitted with respect to the purchase of automobiles, and omitted a number of bank accounts which should have been disclosed.

It was brought out that in addition to depositing his pay checks and large amounts of cash regularly in his account, Bullock apparently paid substantially all of his living expenses from cash. He, too, made a practice of destroying his check records after receiving them from the bank.

Including the amount deposited by Mrs. Bullock, the total cash for which Inspector Bullock could indicate no legitimate source was over $15,000. As a result of this disclosure he was suspended from the force.

The subcommittee devoted a great deal of time in inquiring into the financial affairs of Inspector Beverly C. Beach. Inspector Beach, like Bullock, was singled out for examination because of information developed by the staff. Substantial amounts of cash came into his possession, apart from all known sources of income. In less than 3 years, immediately prior to the date on which he submitted his questionnaire to the subcommittee, Beach was shown to have received approximately $20,000 in cash, for which he could offer no satisfactory explanation.

Beach's canceled checks, submitted briefly to the subcommittee's staff in December, were returned to him at his request. It took a special order from Major Murray coupled with a threat of suspension, and extensive argument with Beach, to get them back.

Beach put cash into his accounts in amounts ranging up to $1,000 at a time. He tried to explain these with vague references to reimbursements in cash from persons to whom he had previously loaned money. He was pressed for specific identification of the parties to these loan transactions, and after filling the record with evasions, contradictions, and protestations about his faulty memory he was at last pinned down to several direct statements, identifying one deposit of $1,000 in cash as a partial repayment on a loan from his brother-in-law, J. M. Selby. In order to fix at least one definite point of reference in the jumble of evasions it was hearing, the chairman interrupted the proceedings to summon Selby, a Government employee, who completely and directly contradicted Beach, reiterating that he had never made any cash payments to Beach. The following morning Beach had a new explanation of the $1,000 cash deposit. He had completely forgotten a loan of $2,000 he had made to Ernest F. Wyckoff, a police officer under his command, "* * * and unfortunately in the meantime Mr. Wyckoff is deceased."

The record is replete with the twistings and turnings which Beach tried to substitute for a decent explanation of his cash receipts. Not only did he fail, in the subcommittee's judgment, to clear up the grave inferences to be drawn from his transactions in cash, but at the same time he appears to have ventured far into the realms of contempt and perjury. His testimony has been transmitted to the office of the United States attorney. Inspector Beach, too, is under suspension from the force.

G. OTHER DEFECTION: LIEUTENANT WOLF AND CHARLES STOFBERG

The subcommittee's questionnaire exposed a different sort of defection on the part of Lt. Jacob J. Wolf, long head of the Metropolitan Police Department automobile squad. In the period immediately following the war, when new cars were very scarce and many were being diverted to gray-market operators who extorted fantastic prices from the public, this officer ran what he calls a "side line." By virtue of his office he was able to obtain a great many new cars, which he turned over to gray marketeers at a profit. A similar instance, of concern to the subcommittee, appears in the testimony of Charles Stofberg, executive assistant to Commissioner John Russell Young, who testified to accepting a flood of expensive gifts including a diamond-studded watch and a $500 bond while he was holding his official position.

H. THE REST OF THE PROBLEM: THE INCUMBENTS

The subcommittee, in setting forth its specific findings regarding crime and law enforcement in the District of Columbia, emphasizes the fact that its disclosures in this report are not all-inclusive. Therefore it must not be inferred that police and civic officials not mentioned in this report are automatically exonerated.

The cleansing process, once started, must be pushed to completion. If not, the subcommittee fears it may leave behind even more cynicism and demoralization than it found. This is the challenge to those who now hold responsible offices. The District Commissioners, the corporation counsel, the United States attorney and the Major and Superintendent of the Metropolitan Police Department all must dis-

charge their respective functions conscientiously to see that the present situation is wholly rectified, and to insure that another full-scale congressional inquiry such as this will never become necessary.

V. Proposals

A. General

The subcommittee is aware that the proposals which follow are not, in themselves, the answer. Honest and determined officials, operating in the present structure, can give the District of Columbia an exemplary administration. Special importance is attached to those proposals which are aimed at providing additional safeguards for the integrity of the official community itself. The remainder will facilitate law enforcement if the community and its leaders sincerely desire a high level of law observance.

(1) *Congressional subcommittees on crime and law enforcement.*—A periodic inquiry into local law-enforcement conditions, conducted by a disinterested outside body such as the instant subcommittee, would do much to prevent any wide-scale deterioration like that reported herein. Such an inquiry could properly be made—at regular intervals of several years—by subcommittees created from within the Senate or House District of Columbia Committees. The very existence of a special program of this nature should do much to insure that no such inquiry in the future would have to be extended so deeply into the affairs of the District.

(2) *Encouraging the work of citizens' groups and organizations.*—Many large cities have had satisfactory experiences with volunteer crime committees or commissions organized by public-spirited citizens. In the District of Columbia, the Washington Criminal Justice Association has been, at times, a wholesome irritant in urging local officials to take action in the face of undesirable conditions. This function is of peculiar importance in the District of Columbia because District residents have no recourse to the usual channels for expressing their disfavor through the polls. Such efforts on the part of private citizens should therefore be encouraged.

(3) *An independent investigative staff in the office of the United States attorney.*—The office of the United States attorney is of singular importance in the unique structure of the District government, which is lacking in any equivalent of State and county components. Official lapses which amount to crimes, and criminal activities which are apt to project their influences into the police force, are primarily the concern of this official. He should therefore have an investigative staff of his own, consisting of a small number of investigators of the highest type. The subcommittee urges Congress to give favorable consideration to such a step (Cf. H. R. 4141, 82d Cong., sec. 402 (b)), and to support it with adequate appropriations.

(4) *An absolute ban on favors and gratuities to public officials from persons with whom they deal.*—The District of Columbia Code, sections 22–701, 22–702, and 22–704, makes it a felony for any person to offer or give "any money or other thing of value" to a District official with intent to influence his official conduct, and also imposes a felony penalty on any official who accepts anything so given. The subcommittee proposes that these laws be strengthened by creating a

presumption of wrongful intent wherever it is shown that the giver has a direct interest in the discharge of official duties by the recipient. There can be no compromise in this area; policemen and other officials cannot properly accept any benefit from those with whom they deal officially, and once the rule is breached by small gratuities there is no stopping short of the flagrant abuses which the subcommittee has brought to light. A bill to accomplish this is proposed as appendix I.

(5) *Forfeiture of office by any official, and of benefits of office by any ex-official, who pleads his privileges against self-incrimination.*—A number of jurisdictions have statutes providing that any public officeholder or ex-officeholder who refuses to testify as to the conduct of his office, on the basis that he would incriminate himself thereby, shall automatically forfeit his office and the benefits thereof. This is patently fair and proper. No individual should be allowed to continue in the service of the community, or receive benefits from it, after he has, in effect, defied its demand for an accounting by confessing crime. A bill based on the model act drafted by the Council of State Governments is proposed to effect this rule in the District of Columbia. (See appendix II.)

(6) *Better control of dangerous weapons.*—The problem of aggravated assaults in the District of Columbia emphasizes the need for tighter controls over the possession of dangerous weapons. The appended bill is based in part upon the laws in force in New York, and in part on recommended changes contained in H. R. 4141 (82d Cong.). (See appendix III.)

(7) *Conferring on the Government a right of appeal from orders suppressing evidence in criminal cases.*—Many important criminal prosecutions, particularly for narcotics and gambling offenses, are lost before they are brought to trial when the court grants a motion to suppress the evidence on which the prosecution is relying. A bill now pending before the Senate, S. 2060, would do much to remedy this situation by conferring a right of appeal from such orders by the Government at any time before the defendant is placed in jeopardy. The subcommittee strongly favors the enactment of this bill into law.

(8) *Enactment of the Uniform Extradition Act.*—Although the Constitution (art. IV, sec. 2, cl. 2) and existing Federal law establishes a basic pattern for the extradition of persons wanted in one jurisdiction within the United States for the commission of crimes within another, the pattern is incomplete and procedurally deficient in some respects in the District of Columbia. The Uniform Extradition Act, now in force in most of the States, would correct this situation. A bill incorporating this Uniform Act into the District Code has therefore been prepared and is recommended for enactment. (See appendix IV.)

B. GAMBLING

(1) *A complete revision of the laws relating to gambling offenses.*—The present gambling laws of the District of Columbia, like those of many States, have developed in a haphazard fashion with many discrepancies and loopholes. Conducting a lottery is a felony (3 years: D. C. Code, section 22–1501) while bookmaking, an equally serious offense by current standards, is a low-grade misdemeanor (90 days: D. C. Code, sec. 22–1508). Conducting certain long-forgotten gambling games, "ABC . . . EO . . . equality, keno, thimbles, or little joker," is

an even more serious felony offense (5 years: D. C. Code, sec. 22–1504). A model act, being developed by the American Bar Association Commission on Organized Crime in cooperation with the Council of State Governments and the commissioners on uniform State laws, has been used as a basis for the bill appended hereto. This bill would reach all types of gambling, with a consistent pattern of penalties, and incorporates controls which have proved highly effective in various States where they have been utilized. (See appendix V.)

(2) *Enforcing the Federal Lottery Act to protect the District of Columbia.*—The ease with which numbers operators have eluded local enforcement authorities by operating from nearby Maryland or Virginia has been a perennial problem in controlling gambling offenses in the District of Columbia. The Federal Lottery Act (18 U. S. C. 1301ff.), was originally worded so as to apply only to the transportation of lottery tickets from one State to another, excluding the District. Subsequently the language was changed so that the act now clearly reaches transportation to or from this jurisdiction. No action is required of Congress; the law is perfectly adequate. It must be enforced.

C. NARCOTICS

(1) *Amendments to the Narcotic Drug Act.*—The office of the Corporation Counsel has developed amendments designed to improve the narcotics laws of the District of Columbia. The subcommittee strongly endorses this effort. These amendments bring hypodermic devices within the control of the act, alter the penalty section, and make other clarifying changes. A bill has been prepared which embraces the Corporation Counsel's proposals, with an additional change as to the penalty structure. The Subcommittee also feels that proper control of the capsules in which narcotic drugs are furnished to the illegal traffic might be helpful, and a provision to make this possible has therefore been added. Since such capsules are used for many legitimate purposes, the provision is drawn so as to give the Board of Pharmacy wide discretion in applying the act and promulgating regulations for this purpose. (See appendix VI.)

(2) *Distinguishing between the addict and the peddler.*—There is often a wide difference in culpability between the addict-patron and the professional seller. A bill has therefore been prepared which distinguishes between mere possession of narcotics and possession with intent to sell, with a heavier penalty for the latter and a presumption of intent from the possession of more than certain fixed quantities of any narcotic substance. (See appendix VII.)

(3) *Strict compliance with statutory procedures governing the disposal of seized narcotics.*—The careless—and criminal—manner in which police officers have flouted the law (D. C. code, sec. 33–417) in disposing of seized narcotics has been corrected. The subcommittee feels that this warrants a special, urgent injunction to officers concerned with this practice in the future and to their superiors as well, to make absolutely certain that such a lapse is never permitted to reoccur.

D. ALCOHOLIC BEVERAGES

Improved procedures relating to the control of alcoholic beverages.—The subcommittee found that the Alcoholic Beverage Control Board and

its staff are possessed of adequate authority to discharge their functions effectively, but the administrative details of this control could be improved. New applicants should be more thoroughly investigated, with a full inquiry into the personal history and prior residences of all persons connected with the applicant for a prior period of 10 years instead of 3. The Board's approval of applications from persons with criminal records, particularly those who have been active in the so-called rackets, should be given more sparingly than has been the case in the past. The current inspection of licensed premises should be reorganized so that the assignments of each inspector are precisely controlled and so that every licensed premise is formally inspected at least once a year. Greater responsibility should be assumed by the Board, instead of the Metropolitan Police Department, for the investigation of noncompliance complaints which do not involve disorderly conduct or other directly criminal acts.

E. POLICE ADMINISTRATION

(1) *A professional survey of the Metropolitan Police Department.*—In the last quarter-century police administration has become a complex science. In Washington the police arm has developed more or less haphazardly, and it would be desirable to have the entire situation analyzed and modernized, in terms of today's problems on the one hand, and up-to-the-minute techniques for solving them on the other. An outstanding professional organization concentrating in this field is the Institute of Public Administration, now engaged in making a full study of police administration in New York City. The subcommittee strongly recommends that the possibility of having some such expert analysis undertaken in the District of Columbia be explored.

(2) *Improved police-training program.*—The training program conducted by the Metropolitan Police Department for new recruits has received beneficial attention recently, and the quality of graduate-trainees is improving. Pressure for steady improvement must be maintained. More emphasis should also be placed on the program of advanced training for officers who have need of specialized knowledge as they advance through the ranks. Complementing this, full advantage should be taken of the facilities available among Federal agencies in Washington and at educational institutions and police headquarters elsewhere.

(3) *Limiting the practice of posting and forfeiting collateral.*—The D. C. Code, section 11–606, now provides that any person charged with any offense which was formerly triable in the police court may avoid direct judicial consideration of his case by depositing collateral with the station keeper of the police precinct within which such person may be apprehended. This is a practical way to deal with offenses which do not involve any substantial culpability, but certain vice offenses, e. g., prostitution (D. C. Code, secs. 11–604, 22–2701), are presently also included. The practice leads to widespread abuse when it is available in connection with the latter. A bill is proposed to remedy the situation by extending the rule-making power of the municipal court to the forfeiture of collateral, and limiting it to minor offenses punishable only by fine. (See appendix VIII.)

APPENDIXES

Appendix I

A BILL To make certain transactions involving the making of gifts to, or the receiving of gifts by, officials of the District of Columbia prima facie evidence of a violation of certain statutes relating to bribery

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 861 of the Code of Laws for the District of Columbia (D. C. Code, 1940 Ed., § 22–701) is amended by adding at the end thereof a new paragraph as follows:

"Evidence, satisfactory to the court, of any such promise, offer, or gift, or of the making or tendering of any such contract, undertaking, obligation, credit, or security to any such officer, person, juror, or witness by any person with respect to whom such officer, person, juror, or witness is required to render a decision or verdict, take official action, or give evidence shall be prima facie evidence that the same was in violation of this section."

(b) The second paragraph under the heading "General Expenses" of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes," approved July 1, 1902 (D. C. Code, 1940 Ed., § 22–702) is amended by adding at the end thereof the following: "Evidence satisfactory to the court of an offer or gift of any money, property or other valuable consideration to any official of the District of Columbia by any person whose appointment to office in the District of Columbia, or promotion in office, is subject to approval or has been approved by such official, shall be prima facie evidence that the same was in violation of this paragraph."

(c) The Act entitled "An Act to define the crime of bribery and to provide for its punishment", approved February 26, 1936 (D. C. Code, 1940 Ed., § 22–704) is amended by adding at the end thereof a new paragraph as follows:

"Evidence, satisfactory to the court, of any such money, bribe, present, reward, promise, contract, obligation, security, or other thing of value tendered or given to any such officer, employee, person, agency, master, auditor, juror, arbitrator, umpire or referee by any person with respect to whom such officer, employee, person, agency, master, auditor, juror, arbitrator, umpire or referee is required to render a decision or verdict, take official action, or give evidence shall be prima facie evidence that the same was in violation of this section."

Appendix II

A BILL To prescribe certain penalties applicable to present and former officers and employees of the District of Columbia who refuse to testify concerning matters relating to their public office

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any officer or employee of the District of Columbia who refuses to testify upon matters relating to his office or employment in any proceeding wherein he is a defendant or is called as a witness, upon the ground that his answer may tend to incriminate him or compel him to be a witness against himself, or who refuses so to testify on such ground when called by a grand jury or a congressional committee, shall forfeit his office or employment and any emolument, perquisite, or benefit (by way of pension or otherwise) arising therefrom, and be disqualified from holding any public office or employment under the District of Columbia.

(b) Any former officer or employee of the District of Columbia who refuses to testify upon matters relating to his former office or employment in any proceeding wherein he is a defendant or is called as a witness, upon the ground that his answer may tend to incriminate him or compel him to be a witness against himself, or who refuses so to testify on such ground when called by a grand jury or a congressional committee, shall forfeit any emolument, perquisite, or benefit (by way of pension or otherwise) arising from such former office or employment, and be disqualified from holding any public office or employment under the District of Columbia.

APPENDIX III

A BILL To provide for the better control of dangerous weapons in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of this Act, the term "Dangerous Weapons Act" means the Act of July 8, 1932, as amended, providing for the control of dangerous weapons in the District of Columbia.

SEC. 2. Section 3 of the Dangerous Weapons Act (D. C. Code, sec. 22–3203) is amended by substituting new sections 3 and 3a therefor, reading as follows:

"SEC. 3. No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the District of Columbia, if—

"(1) he is a drug addict;

"(2) he has been convicted in the District of Columbia of a felony, or in another jurisdiction of a crime which would be a felony if committed in the District of Columbia;

"(3) he has been convicted of violating the first section or section 2 of the Act entitled 'An Act for the suppression of prostitution in the District of Columbia', approved August 15, 1935, as amended (D. C. Code, secs. 22-2701, 22–2702), the first section of the Act entitled 'An Act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases', approved July 16, 1912 (keeping bawdy house, D. C. Code, sec. 22–2722), or the Act entitled 'An Act to define and punish vagrancy in the District of Columbia, and for other purposes', approved December 17, 1941 (D. C. Code, title 22, chapter 33); or

"(4) he is not licensed under section 10 of this Act to sell weapons, and he has been convicted of violating this Act.

No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict. Whoever violates this section shall be punished as provided in section 15 of this Act, unless he has previously been convicted of a violation of this section, in which case he shall be imprisoned for not more than ten years.

"SEC. 3a. No person not disqualified under the provisions of section 3 of this Act shall own or keep a pistol, or have a pistol in his possession or under his control, within the District of Columbia, unless he has a certificate of authority therefor issued by the superintendent of police of the District of Columbia. It shall be the duty of the superintendent of police, upon application therefor, by any householder, merchant, storekeeper or other person doing business in the District of Columbia, and provided he is satisfied of the good moral character of the applicant, and provided that no other good cause exists for the denial of such application, to issue to such applicant a certificate of authority to have and possess a pistol, and authorizing him (a) if a householder to have such weapon in his dwelling house or on other land possessed by him, and (b) if a merchant, storekeeper, or other person doing business in the District of Columbia, to have such pistol in his place of business. The certificate of authority shall be in duplicate, in form to be prescribed by the Commissioners of the District of Columbia. The original thereof shall be delivered to the applicant, and the duplicate shall be retained by the superintendent of police of the District of Columbia and preserved in his office."

SEC. 3. Section 4 of the Dangerous Weapons Act (D. C. Code, sec. 22–3204) is amended by inserting at the end thereof the following new sentence: "Whoever violates this section shall be punished as provided in section 15 of this Act, unless he has previously been convicted in the District of Columbia of a violation of this section or a felony, or has previously been convicted in another jurisdiction of a crime which would be a felony if committed in the District of Columbia, in which case he shall be sentenced to imprisonment for not more than ten years."

SEC. 4. Section 7 of the Dangerous Weapons Act (D. C. Code, sec. 22–3207) is amended to read as follows:

"SELLING TO MINORS AND OTHERS

"SEC. 7. No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 3 of this Act to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years."

SEC. 5. The second sentence of section 8 of the Dangerous Weapons Act (D. C. Code, sec. 22–3208) is amended by striking out "a statement that he has never been convicted in the District of Columbia or elsewhere of a crime of violence" and inserting in lieu thereof "a statement that he is not forbidden by section 3 of this Act to possess a pistol".

SEC. 6. The first sentence of paragraph 3 of section 10 of the Dangerous Weapons Act (D. C. Code, sec. 22–3210) is amended to read as follows: "No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 3 of this Act to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity."

SEC. 7. The first sentence of paragraph 5 of section 10 of the Dangerous Weapons Act (D. C. Code, sec. 22–3210) is amended by striking out "a statement signed by the purchaser that he has never been convicted in the District of Columbia or elsewhere of a crime of violence" and inserting in lieu thereof "a statement by the purchaser that he is not forbidden by section 3 of this Act to possess a pistol."

SEC. 8. Section 14 of the Dangerous Weapons Act (D. C. Code, sec. 22–3214) is amended by inserting "(a)" after "SEC. 14"; by inserting "billy, bludgeon, switch blade knife," after "sandbag,"; by striking out "machine guns, or sawed-off shotguns, and blackjacks" and inserting in lieu thereof "machine guns, sawed-off shotguns, blackjacks, billies, and bludgeons"; and by adding at the end thereof the following new subsections:

"(b) No person shall within the District of Columbia possess, with intent to use unlawfully against another, an imitation pistol, or a dagger, dirk, razor, stiletto, or knife with a blade longer than three inches, or other dangerous weapon.

"(c) Whoever violates this section shall be punished as provided in section 15 of this Act, unless he has previously been convicted in the District of Columbia of a violation of this section or a felony, or has previously been convicted in another jurisdiction of a crime which would be a felony if committed in the District of Columbia, in which case he shall be imprisoned for not more than ten years."

APPENDIX IV S. 3442

A BILL To make uniform the procedure on interstate extradition in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 930–1 of an Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D. C. Code, §§ 23–401–2), and sections 1–8 of an Act entitled "An Act to provide for the detention of fugitives apprehended in the District of Columbia", approved April 21, 1928 (D. C. Code, §§ 23–403–10) are hereby repealed.

SEC. 2. Where appearing in this Act the term "chief judge" means chief judge of the United States District Court for the District of Columbia or any associate judge of said court acting in case of the illness, absence, or disability of the chief judge, or at his direction. The term "executive authority" includes the governor and any person performing the functions of governor in any State. The term "State" includes any State or Territory, organized or unorganized, of the United States.

SEC. 3. Subject to the provisions of this Act, the provisions of the Constitution of the United States controlling, and Acts of Congress enacted in pursuance thereof, it is the duty of the chief judge to have arrested and delivered up to the executive authority of any State any person charged in that State with treason, felony, or other crime, who has fled from justice and is found in the District of Columbia.

SEC. 4. No demand for the extradition of a person charged with crime in a State shall be recognized by the chief judge unless in writing alleging, except in cases arising under section 7, that the accused was present in the demanding State at the time of the commission of the alleged crime, and that thereafter he fled from the State, and accompanied by a copy of an indictment found or by information supported by affidavit in the State having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereupon; or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the executive authority of the demanding State that the person claimed has escaped from confinement or has broken the terms of his bail, probation, or parole. The indictment, information, or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that State; and the copy of the indictment, information, affidavit, judgment of conviction, or sentence must be authenticated by the executive authority making the demand.

SEC. 5. When a demand shall be made upon the chief judge by the executive authority of a State for the surrender of a person so charged with crime, the chief judge may call upon the United States attorney or any other prosecuting

officer in the District of Columbia to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the persons so demanded, and whether he ought to be surrendered.

SEC. 6. When it is desired to have returned to the District of Columbia a person charged in the District of Columbia with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in a State, the chief judge may agree with the executive authority of such State for the extradition of such person before the conclusion of such proceedings or his term of sentence in such State, upon condition that such person be returned to such State at the expense of the District of Columbia as soon as the prosecution in the District of Columbia is terminated.

The chief judge may also surrender on demand of the executive authority of any State any person in the District of Columbia who is charged in the manner provided in section 4 of this Act with having violated the laws of the State whose executive authority is making the demand, even though such person left the demanding State involuntarily.

SEC. 7. The chief judge may also surrender, on demand of the executive authority of any State, any person in the District of Columbia charged in such State in the manner provided in section 4 with committing an act in the District of Columbia, or in another State, intentionally resulting in a crime in the State whose executive authority is making the demand, and the provisions of this Act not otherwise inconsistent, shall apply to such cases, even though the accused was not in that State at the time of the commission of the crime, and has not fled therefrom.

SEC. 8. If the chief judge decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

SEC. 9. Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the District of Columbia and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this Act to the duly authorized agent of the demanding State.

SEC. 10. Every such officer or other person empowered to make the arrest, shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

SEC. 11. No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of the United States District Court for the District of Columbia, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the United States attorney for the District of Columbia, and to the said agent of the demanding State.

SEC. 12. Any officer who shall deliver to the agent for extradition of the demanding State a person in his custody under the chief judge's warrant, in wilful disobedience of section 11, shall be fined not more than $1,000 or imprisoned for not more than 6 months, or both.

SEC. 13. The officer or person executing the chief judge's warrant of arrest, or the agent of the demanding State to whom the prisoner may have been delivered, may, when necessary, confine the prisoner in the Washington Asylum and Jail; and the Superintendent of the Washington Asylum and Jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.

The officer or agent of a demanding State to whom a prisoner may have been delivered following extradition proceedings in another State, or to whom a prisoner may have been delivered after waiving extradition in such other State, and who is passing through the District of Columbia with such a prisoner for the purpose of immediately returning such prisoner to the demanding State may, when necessary, confine the prisoner in the Washington Asylum and Jail; and the Superintendent of the Washington Asylum and Jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping; *Provided*,

however, That such officer or agent shall produce and show to the Superintendent satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding State after a requisition by the executive authority of such demanding State. Such prisoner shall not be entitled to demand a new requisition while in the District of Columbia.

SEC. 14. Whenever any person within the District of Columbia shall be charged on the oath of any credible person before any judge of the Uuited States District Court for the District of Columbia with the commission of any crime in any State and, except in cases arising under section 7, with having fled from justice, or with having been convicted of a crime in that State and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge of the United States District Court for the District of Columbia setting forth on the affidavit of any credible person in a State that a crime has been committed in such State and that the accused has been charged in such State with the commission of the crime, and except in cases arising under section 7, has fled from justice, or with having been convicted of a crime in that State and having escaped from confinement, or having broken the terms of his bail, probation or parole, and is believed to be in the District of Columbia, the judge shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in the District of Columbia, and to bring him before the same or any other judge of said court, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

SEC. 15 The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a State with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge of the United States District Court for the District of Columbia with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the preceding section; and thereafter his answer shall be heard as if he had been arrested on a warrant.

SEC. 16. If from the examination before the judge it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under section 7, that he has fled from justice, the judge must, by a warrant reciting the accusation, commit him to the Washington Asylum and Jail for such a time not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the State having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged.

SEC. 17. Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the State in which it was committed, a judgment of the United States District Court for the District of Columbia may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearanec before him at a time specified in such bond, and for his surrender, to be arrested upon the warrant of the chief judge.

SEC. 18. If the accused is not arrested under warrant of the chief judge by the expiration of the time specified in the warrant or bond, a judge of the United States District Court for the District of Columbia may discharge him or may recommit him for a further period not to exceed sixty days, or may again take bail for his appearance and surrender, as provided in section 17, but within a period not to exceed sixty days after the date of such new bond.

SEC. 19. If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he be within the District of Columbia. Recovery may be had on such bond in the name of the District of Columbia as in the case of other bonds given by the accused in criminal proceedings within the District of Columbia.

SEC. 20. If a criminal prosecution has been instituted against such person under the laws of the District of Columbia and is still pending, the chief judge, in his discretion, either may surrender him on demand of the executive authority of a State or hold him until he has been tried and discharged or convicted and punished in the District of Columbia.

SEC. 21. The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the chief judge or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the chief judge, except as it may be involved in identifying the person held as the person charged with the crime.

SEC. 22. The chief judge may recall his warrant of arrest or may issue another warrant whenever he deems it proper.

SEC. 23. Whenever the chief judge shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation, or parole in the District of Columbia, from the executive authority of any State, he shall issue a warrant under the seal of the District of Columbia, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer in the District of Columbia.

SEC. 24. (a) When the return to the District of Columbia of a person charged with crime in the District of Columbia is required, the United States attorney shall present to the chief judge his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place, and circumstances of its commission, the State in which he is believed to be, including the location of the accused therein, at the time the application is made and certifying that, in the opinion of the said United States attorney the ends of justice require the arrest and return of the accused to the District of Columbia for trial and that the proceeding is not instituted to enforce a private claim.

(b) When the return to the District of Columbia is required of a person who has been convicted of a crime in the District of Columbia and has escaped from confinement, or broken the terms of his bail, probation, or parole, the United States attorney, or the Board of Public Welfare, or the Board of Indeterminate Sentence and Parole, shall present to the chief judge a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement, or of the breach of the terms of his bail, probation or parole, the State in which he is believed to be, including the location of the person therein at the time application is made.

(c) The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The United States attorney, Board of Public Welfare, or the Board of Indeterminate Sentence and Parole may also attach such further affidavits and other documents in duplicate as he or it shall deem proper to be submitted with such application. One copy of the application, with the action of the chief judge indicated by endorsement thereon, and one of the certified copies of the indictment complaint, information and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the clerk of the United States District Court for the District of Columbia, to remain of record in that office. The other copies of all papers shall be forwarded with the chief judge's requisition.

SEC. 25. Expenses shall be paid out of the Treasury of the United States out of funds of the District of Columbia, on the certificate of the chief judge. Expenses shall be the fees paid to the officers of the State on whose governor the requisition is made, and not exceeding 15 cents a mile for all necessary travel in returning such prisoner.

SEC. 26. A person brought into the District of Columbia by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradicted.

SEC. 27. Any person arrested in the District of Columbia charged with having committed any crime in a state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in sections 8 and 9 and all other procedure incidental to extradiction proceedings, by executing or subscribing in the presence of a judge of the United States District Court for the District of Columbia a writing which states that he consents to return to the demanding state; *Provided, however*, That before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance or service of a warrant of extradiction and to obtain a writ of habeas corpus as provided in section 11.

If and when such consent has been duly executed it shall forthwith be forwarded to the office of the clerk of the United States District Court for the District of Columbia and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent: *Provided, however,* That nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of the District of Columbia.

SEC. 28. Nothing in this Act shall be deemed to constitute a waiver by the District of Columbia of its right, power or privilege to try such demanded person for crime committed within the District of Columbia, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within the District of Columbia, nor shall any proceedings had under this Act which result in, or fail to result in, extradition be deemed a waiver by the District of Columbia of any of its rights, privileges or jurisdiction in any way whatsoever.

SEC. 29. After a person has been brought back to the District of Columbia by, or after waiver of, extradition proceedings, he may be tried in the District of Columbia for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition.

SEC. 30. The provisions of this Act shall be so interpreted and construed as to effectuate the general purpose to make uniform the law of those jurisdictions which enact it.

SEC. 31. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

SEC. 32. Nothing contained in this Act shall in any way affect existing law concerning the procedure for the return of any person apprehended in the District of Columbia to a federal district to answer a federal charge, or repeal, modify, or affect any existing law or treaty concerning the return to a foreign country of a person apprehended in the District of Columbia as a fugitive from justice from a foreign country.

APPENDIX V

A BILL To provide for the more effective prevention and punishment of all gambling, except casual social gambling, in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

POLICY; CONSTRUCTION

SEC. 1. It is hereby declared to be the policy of Congress, recognizing the close relationship between professional gambling and organized crime, to restrain all persons from seeking profit from gambling activities in the District of Columbia; to restrain all persons from patronizing such activities when conducted for the profit of any person; to safeguard the public against the evils induced by common gamblers and common gambling houses; and at the same time to preserve the freedom of the press and to avoid restricting participation by individuals in sports and social pastimes which are not for profit, do not affect the public, and do not breach the peace. All the provisions of this Act shall be liberally construed to achieve these ends, and administered and enforced with a view to carrying out the above declaration of policy.

DEFINITIONS

SEC. 2. As used in this Act:

(a) The term "gain" means the direct realization of winnings; the term "profit" means any other benefit, direct or indirect, including without limitation benefits from proprietorship, management, and unequal advantage in a series of transactions.

(b) The term "gambling" means risking any money, credit, deposit, or other thing of value for gain contingent in whole or in part upon lot, chance, or the operation of a gambling device; but does not include (1) bonafide contests of skill, speed, strength, or endurance in which awards are made only to entrants or the owners of entries; (2) bonafide business transactions which are valid under

the law of contracts; and (3) other acts or transactions expressly authorized by law.

(c) The term "professional gambling" means accepting or offering to accept, for profit, money, credits, deposits, or other things of value risked in gambling, or any claim thereon or interest therein. In the application of this definition, the following shall be presumed to be for profit: (1) Poolselling and book making; (2) maintaining slot machines, one-ball machines or variants thereof, pinball machines (which award anything other than an immediate and unrecorded right of replay), roulette wheels, dice tables, or money or merchandise pushcards, punchboards, jars, or spindles in any place accessible to the public; (3) conducting lotteries, gift enterprises, or policy or numbers games, or selling chances therein; and (4) conducting any banking or percentage game played with cards, dice, or counters, or accepting any fixed share of the stakes therein.

(d) The term "gambling device" means (1) any device or mechanism by the operation of which a right to money, credits, deposits, or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (2) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (3) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (4) any subassembly or essential part designed or intended for use in connection with any such device, mechansim, furniture, fixture, construction, or installation. In the application of this definition, an immediate and unrecorded right of replay mechanically conferred on players of pinball machines and similar amusement devices shall be presumed to be without value.

(e) The term "gambling record" means any record, receipt, ticket, certificate, token, slip, or notation given, made, used or intended to be used in connection with professional gambling.

(f) The term "gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition, the following shall be presumed to be intended for use in professional gambling: (1) information as to wagers, (2) betting odds, and (3) changes in betting odds.

(g) The term "gambling premise" means any building, room, enclosure, vehicle, vessel, or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found shall be presumed to be intended to be used for professional gambling.

(h) The term "peace officer" means any officer or member of the Metropolitan Police of the District of Columbia and any officer or member of the United States Park Police.

(i) The terms "whoever" and "person" include natural persons, partnerships and associations of persons, and corporations; and when any corporate officer, director, or stockholder authorizes, participates in, or knowingly accepts benefits from any violation of this Act committed by his corporation, he shall be punishable for such violation as if it had been directly committed by him.

GAMBLING; PROFESSIONAL GAMBLING

SEC. 3. (a) Whoever engages in gambling, or solicits or induces another to engage in gambling, shall be fined not more than $500, or imprisoned not more than six months, or both.

(b) Natural persons shall be exempt from prosecution under subsection (a) for any game, wager, or transaction which is incidental to a bonafide social relationship, is participated in by natural persons only, and is not participated in directly or indirectly by any person for profit. The presumptions created in section 2 (c) shall apply in the application of this subsection.

(c) Whoever engages in professional gambling, or knowingly causes, aids, abets, or conspires with another to engage in professional gambling shall be fined not more than $1,000, or imprisoned not more than one year, or both.

GAMBLING DEVICES; GAMBLING RECORDS

SEC. 4. (a). All gambling devices are declared to be common nuisances and shall be subject to seizure, immediately upon detection, by any peace officer, and to confiscation and destruction by order of any court having jurisdiction, except when in the possession of officers enforcing this Act.

(b) No property right in any gambling device shall exist or be recognized in any person, except the possessory right of officers enforcing this Act.

(c) All furnishings, fixtures, equipment, and stock, including without limitation furnishings and fixtures adaptable to non-gambling uses and equipment and stock for printing, recording, computing, transporting, safekeeping, or communication, used in connection with professional gambling or maintaining a gambling premise, and all money or other things of value at stake or displayed in or in connection with professional gambling or any gambling device, shall be subject to seizure, immediately upon detection, by any peace officer, and shall be forfeited to the District of Columbia by order of any court having jurisdiction, unless good cause is shown to the contrary by the owner, for disposition by public auction or as otherwise provided by law. Bonafide liens against property so forfeited shall, on good cause shown by the lienor, be transferred from the property to the proceeds of the sale of the property. Forfeit monies and other proceeds realized from the enforcement of this subsection shall be deposited in the Treasury of the United States to the credit of the District of Columbia.

(d) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, stores, repairs, or transports any gambling device, or offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be fined not more than $1,000, or imprisoned not more than one year, or both. Subsection (b) of this section shall have no application in the enforcement of this subsection.

(e) Whoever knowingly prints, makes, possesses, stores, or transports any gambling record, or offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be fined not more than $500, or imprisoned not more than six months, or both. For the purposes of this subsection, direct possession of any gambling record shall be presumed to be knowing possession thereof.

GAMBLING INFORMATION

SEC. 5. (a) Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore, or similar means, or knowingly installs or maintains equipment for the transmission or receipt of gambling information, shall be fined not more than $1,000, or imprisoned not more than one year, or both.

(b) Whenever any public utility is notified in writing by the head of the Metropolitan Police of the District of Columbia, the head of the United States Park Police, or the United States Attorney for the District of Columbia that any service, facility, or equipment furnished by it is being used to violate this section, such public utility shall discontinue or refuse the furnishing of such service, facility, or equipment. Any unreasonable failure to discontinue or refuse the furnishing of such service, facility, or equipment in compliance with this subsection shall be prima facie evidence that such public utility is knowingly maintaining equipment for the transmission or receipt of gambling information. No damages, penalty, or forfeiture, civil or criminal, shall be found against any public utility for any act done in compliance with this subsection.

GAMBLING PREMISES

SEC. 6. (a) All gambling premises are declared to be common nuisances and shall be subject to abatement by injunction against the owner or as otherwise provided by law. In any action brought under this subsection the plaintiff need not show damage and may, in the discretion of the court, be relieved of all requirements as to giving security.

(b) When any property or premise held under a mortgage, contract, or leasehold is determined by a court having jurisdiction to be a gambling premise, all rights and interests of the holder therein shall terminate, and the owner shall be entitled to immediate possession at his election.

(c) When any property or premise for which one or more licenses, permits, or certificates issued by the District of Columbia are in effect, is determined by a court having jurisdiction to be a gambling premise, all such licenses, permits, and certificates shall be cancelled, and no license, permit, or certificate so cancelled shall be reissued for such property or premise for a period of sixty days thereafter. Enforcement of this subsection shall be the duty of all peace officers and all taxing and licensing officials of the District of Columbia.

(d) Whoever as owner, lessee, agent, employee, operator, occupant, or otherwise knowingly maintains or aids or permits the maintaining of a gambling premise shall be fined not more than $1,000, or imprisoned not more than one year, or both, and whoever does any act in violation of this paragraph within any locked, barricaded, or camouflaged place or in connection with any electrical or mechanical alarm or warning system or arrangement shall be fined not more than $1,000, or imprisoned not more than five years, or both.

REPEATED OFFENSES

SEC. 7. Any person who has been convicted of a violation of section 3 (c), 4 (d), 5 (a), or 6 (d) of this Act, or of section 863, 864, 865, 866, 867, 869b, 869c, or 869d of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, may upon any subsequent conviction of a violation of section 3 (c), 4 (d), 5 (a), or 6 (d) of this Act, in lieu of any other penalty, be fined not more than $5,000 or imprisoned not more than ten years, or both.

TESTIMONY

SEC. 8. No witness shall be excused from testifying concerning any violation of this Act, or from producing books, records, or other evidence in connection therewith, on the ground that the testimony or evidence required of him might tend to incriminate him or subject him to a penalty or forfeiture; but such witness shall not be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege, to testify or produce evidence, nor shall such testimony or evidence be received against him in any other investigation or proceeding, except that this section shall not apply for the benefit of such witness in any prosecution for perjury or contempt committed in so testifying.

SEVERABILITY

SEC. 9. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

REPEALS

SEC. 10. Sections 863, 863a, 864, 865, 866, 868, 869, 869a, 869b, 869c, and 869d of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D. C. Code, 1940 ed., secs. 22–1501–5, 22–1507–12) are repealed. Any rights or liabilities existing on the date of enactment of this Act under such sections shall not be affected by this repeal.

APPENDIX VI

A BILL To amend the Narcotic Drug Act of the District of Columbia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Uniform Narcotic Drug Act of the District of Columbia, approved June 28, 1938 (52 Stat. 785; D. C. Code 1940 Ed., T. 33, ch. 4) is amended (a) by inserting after the word "them" in clause (n) defining "Narcotic Drugs", the following: "and any other drugs to which the provisions of the Narcotic Drugs Import and Export Act (21 U. S. C., 171–184 and 185) may now or hereafter apply"; and (b) by adding at the end thereof the following new clauses:

"(t) 'Hypodermic article' means a hypodermic needle, hypodermic syringe, or any instrument or device adapted for the use or administering of narcotic drugs by parenteral injection.

"(u) 'Capsule' means any dissolvable container designed for ingestion into the human body."

SEC. 2. Section 2 of such Act is amended by inserting "(a)" after "SEC. 2", by inserting after the word "administer" a comma and the word "use", and by adding thereto the following:

"(b) No person shall have in his possession, or use, or have available for use, any hypodermic article: *Provided*, That this subsection shall not apply to a physician, dentist, podiatrist, nurse, or veterinarian, registered or licensed under the laws of the District of Columbia or of any State or Territory of the United States, or to an apothecary, undertaker, or dealer in hypodermic articles, licensed under the laws of the District of Columbia, or to any officer or employee of any government having possession of or using or having available for use any such article by reason of his official duties, or to any employee of any hospital or laboratory acting under the direction of its superintendent or officer in immediate charge.

"(c) The prohibition of subsection (b) of this section shall not apply if any person having in his possession, using or having available for use any hypodermic

article, at such time (a) has in his possession a certificate, issued within one year, dated and signed in ink or indelible pencil, by a physician licensed as such by the District of Columbia or any State or Territory of the United States, certifying that such person is required to use such article, either on such person or another person named in such certificate, or, (b) has in his possession a certificate issued within one year, dated and signed in ink or indelible pencil, by a veterinarian licensed as such by the District of Columbia or any State or Territory of the United States, certifying either (1) that such person, as an agent or employee of such veterinarian, is required to possess, use or have available for use any such article in connection with the practice of such veterinarian, or (2) that such person, as the owner, or agent or employee of the owner of an animal, is required to use or have available for use on such animal such article.

"(d) The Board of Pharmacy may, if it finds the control of capsules to be necessary in the enforcement of this Act, order that capsules, or capsules of certain sizes or possessing certain qualities, shall be added to the definition of, and treated as, hypodermic articles, subject to the provisions of subsections (b) and (c) of this section, and may make such other and further orders and regulations pertaining to capsules, including further exemptions from the provisions of subsection (b), as may be necessary and consistent with the purposes of this Act.

SEC. 3. Section 14 (a) of such Act is amended by adding after the word "administered" a comma and the word "used".

SEC. 4. Section 23 of such Act is amended to read as follows:

"SEC. 23. (a) Except as otherwise provided in subsection (d) of this section, any person violating any provision of section 2, 16 or 20 of this Act shall upon conviction be punished, for the first offense by a fine of not more than $2,000, or by imprisonment for not exceeding 3 years, or by both such fine and imprisonment, and for the second offense, by a fine of not more than $3,000, or imprisonment for more than 5 years or both; and for a third offense and each subsequent offense by a fine of not more than $5,000 or imprisonment for more than 10 years, or both.

"(b) Any person violating any provision of any other section of this Act, or of any regulation made by the Board of Pharmacy under authority of this Act, shall upon conviction be punished, for the first offense by a fine of not more than $1,000, or by imprisonment for not exceeding one year, or by both such fine and imprisonment, and for any subsequent offense by a fine of not more than $3,000, or by imprisonment for not exceeding 3 years, or by both such fine and imprisonment.

"(c) In the case of any person charged with a violation of any provision of this Act who has been previously convicted of a violation of the laws of the United States or of any State of Territory of the United States or the District of Columbia, relating to narcotic drugs, or marijuana, such previous convictions shall be deemed to be offenses for the purpose of this section.

"(d) Any person, not a minor, convicted of the illegal sale, barter, exchange, gift, administering, or offering of any narcotic drug to a minor shall be imprisoned for not more than 20 years."

SEC. 5. (a) As used in this section the terms "dispense", "sale", "narcotic drugs", "hypodermic articles" and "apothecary" have the same meanings such terms have in the Uniform Narcotic Drug Act, approved June 20, 1938.

(b) No person, other than a physician licensed under the laws of the District of Columbia or any State or Territory of the United States or an apothecary, shall manufacture, dispense, or sell hypodermic articles in the District of Columbia without first obtaining a license so to do from the Commissioners of the District of Columbia, or their designated agent. Such license shall be issued for a period of one year and may be renewed from year to year. A fee of $5 shall be paid for each such license issued or renewed.

(c) The Commissioners of the District of Columbia or their designated agent is authorized to prescribe the form of application for license and the form of license to be issued pursuant to this section.

(d) No license shall be issued under this section unless and until the applicant therefor has furnished proof satisfactory to the said Commissioners or their designated agent that the applicant is of good moral character, or if the applicant be an association or corporation, that the managing officers are of good moral character.

(e) No license under this section shall be granted to any person who has been convicted of a willful violation of any law of the United States or the District of Columbia or of any State or Territory of the United States, relating to opium, coca leaves, cannabis, or other narcotic drugs, or to any person who is a narcotic-drug addict.

(f) Any license issued under the provisions of this section may be suspended or revoked for cause.

(g) The Commissioners of the District of Columbia are authorized to make regulations requiring the display and posting of any license issued under this section. Any person violating subsection (b) of this section or any regulation made by the Commissioners of the District of Columbia pursuant to this section, shall, upon conviction be punished by a fine of not more than $1,000, or by imprisonment of not more than one year, or by both such fine and imprisonment.

APPENDIX VII

A BILL To provide criminal penalties for the unlawful possession of narcotic drugs with intent to barter, exchange, sell or give the same to another

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever shall possess or have under his control any narcotic drug, as defined in the Uniform Narcotic Drug Act of the District of Columbia, approved June 28, 1938 (52 Stat. 785; D. C. Code 1940 Ed., T. 33, ch. 4), or any amendment thereof, with intent to barter or exchange with, or to sell or give to another the same or any part thereof, or to aid, abet, or directly or indirectly counsel, command, induce or procure the barter or exchange with or the sale or gift to another of the same or any part thereof, in violation of the Uniform Narcotic Drug Act of the District of Columbia, or any amendment thereof, shall be fined not more than $5,000 or imprisoned for not more than ten years, or both.

Such intent is presumptively established by proof that the person knowingly possessed or had under his control, in violation of the Uniform Narcotic Drug Act of the District of Columbia, or any amendment thereof, one or more preparations, compounds, mixtures or substances, each containing 3 per centum or more of the respective alkaloids of heroin, morphine, or cocaine, of an aggregate weight of two or more ounces, or one or more preparations, compounds, mixtures or substances each containing one or more than one of any of the other narcotic drugs as defined in the Uniform Narcotic Drug Act of the District of Columbia, or any amendment thereof, of an aggregate weight of sixteen ounces or more. In determining said weight, avoirdupois ounces shall be used for solids or semisolids and fluid ounces for liquids. This presumption may be rebutted.

SEC. 2. Whoever, being over the age of twenty-one years, possesses or has under his control any narcotic drug in violation of section 1 of this Act with intent to barter or exchange with, or to sell or give to a person under the age of twenty-one years the same or any part thereof, or to aid, abet, or directly or indirectly counsel, command, induce or procure the barter or exchange with or sale or gift to a person under the age of twenty-one years the same or any part thereof, shall be fined not more than $5,000 or imprisoned for not more than twenty years, or both.

APPENDIX VIII

A BILL To limit the cases in which persons charged with offenses cognizable by the criminal branch of the Municipal Court for the District of Columbia may forfeit collateral in lieu of appearing for trial

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 48 of the Code of Laws for the District of Columbia (D. C. Code, 1940 Ed., § 11–606) is amended by inserting before the period at the end of the second sentence thereof a colon and the following: "*Provided*, That the court shall not allow the forfeiture of collateral security in lieu of appearance for trial, except in the case of a person charged with an offense punishable by fine only and in accordance with such rules as may be prescribed by the Chief Judge of the Municipal Court for the District of Columbia".

○